

AMENDMENTS TO LB 288

(Amendments to Standing Committee amendments, AM846)

Introduced by Gloor, 35.

1           1. Insert the following new section:

2           Sec. 24. Section 71-8403, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           71-8403 (1) A patient may request a copy of the patient's  
5 medical records or may request to examine such records. Access to  
6 such records shall be provided upon request pursuant to sections  
7 71-8401 to 71-8407, except that mental health medical records may  
8 be withheld if any treating physician, psychologist, or mental  
9 health practitioner determines in his or her professional opinion  
10 that release of the records would not be in the best interest of  
11 the patient unless the release is required by court order. The  
12 request and any authorization shall be in writing, and shall be  
13 valid for one hundred eighty days after the date of execution by  
14 the patient.

15           (2) Upon receiving a written request for a copy of the  
16 patient's medical records under subsection (1) of this section, the  
17 provider shall furnish the person making the request a copy of such  
18 records not later than thirty days after the written request is  
19 received.

20           (3) Upon receiving a written request to examine the  
21 patient's medical records under subsection (1) of this section, the  
22 provider shall, as promptly as required under the circumstances but

1 no later than ten days after receiving the request: (a) Make the  
2 medical records available for examination during regular business  
3 hours; (b) inform the patient if the records do not exist or  
4 cannot be found; (c) if the provider does not maintain the records,  
5 inform the patient of the name and address of the provider who  
6 maintains such records, if known; or (d) if unusual circumstances  
7 have delayed handling the request, inform the patient in writing  
8 of the reasons for the delay and the earliest date, not later than  
9 twenty-one days after receiving the request, when the records will  
10 be available for examination. The provider shall furnish a copy of  
11 medical records to the patient as provided in subsection (2) of  
12 this section if requested.

13 (4) This section does not require the retention of  
14 records or impose liability for the destruction of records in the  
15 ordinary course of business prior to receipt of a request made  
16 under subsection (1) of this section. A provider shall not be  
17 required to disclose confidential information in any medical record  
18 concerning another patient or family member who has not consented  
19 to the release of the record.

20 2. On page 43, line 27, strike "24, 25, 27, 28, 29, 31,  
21 32, 33, 36," and insert "25, 26, 28, 29, 30, 32, 33, 34, 37,".

22 3. On page 44, line 1, strike "37" and insert "38"; and  
23 in line 4 after the first comma insert "71-8403,".

24 4. Renumber the remaining sections accordingly.